

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/751,086	01/02/2004	Daniel Partlow	PARTLOW2

00545
ANTHONY H. HANDAL
KIRKPATRICK & LOCKHART, LLP
599 LEXINGTON AVENUE
31ST FLOOR
NEW YORK, NY 10022-6030

RECEIVED

JUN 22 2004

KIRKPATRICK & LOCKHART, LLP

ENTERED IN CPI

CONFIRMATION NO. 2155

FORMALITIES LETTER



OC000000012989576

Date Mailed: 06/18/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The following item(s) appear to have been **omitted** from the application:

- Page(s) **76, 83, 84** of the specification (description and claims).

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of

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a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted item(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$65** for a Small Entity

- **\$65** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*



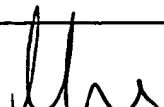
Customer Service Center
Initial Patent Examination Division (703) 308-1202

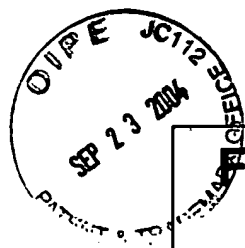
PART 2 - COPY TO BE RETURNED WITH RESPONSE

Application Number: 10/751,086 Filing Date: January 2, 2004

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee(s)	Fee Code	Fee(s)		
1051	130	2051	65	Surcharge - late filing fee or oath	\$65.00
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1801	770	2801	385	Request for Continued Examination	
1814	110	2814	55	Statutory Disclaimer	
1251	110	2251	55	Extension for reply within first month	\$55.00
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1452	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	\$130.00
123	50	123	50	Petitions related to provisional applications	
1806	180	1806	180	Submission of Information Disclosure Statement	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
Other fee (specify)					
Other fee (specify)					
* Reduced by Basic Filing Fee Paid					
SUBTOTAL (3)					\$250.00
SUBMITTED BY				Complete (if applicable):	
Typed or Printed Name	Anthony H. Handal/Roger Pitt			Reg. Number	26,275/46,996
Signature			Date	September 20, 2004	Deposit Account User ID 08-0570



FEE TRANSMITTAL FOR FY 2003 <i>Patent fees are subject to annual revision.</i>		Complete if Known	
		Application Number	10/751,086
		Filing Date	January 2, 2004
		First Named Inventor	PARTLOW
		Examiner Name	Unknown
		Group / Art Unit	3623
Total Amount of Payment	(\$) 250.00	Attorney Docket No.	PARTLOW2

METHOD OF PAYMENT	
1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to: Deposit Account Number 08-0570 Deposit Account Name: Kirkpatrick & Lockhart LLP <input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17	
2. <input checked="" type="checkbox"/> Payment Enclosed: <input checked="" type="checkbox"/> Check <input type="checkbox"/> Money Order <input type="checkbox"/> Other	

FEE CALCULATION																														
1. BASIC FILING FEE:																														
Large Entity		Small Entity																												
Fee Code	Fee(s)	Fee Code	Fee(s)	Fee Description	Fee Paid																									
1001	770	2001	385	Utility filing fee																										
1002	340	2002	170	Design filing fee																										
1003	530	2003	265	Plant filing fee																										
1004	770	2004	385	Reissue filing fee																										
1005	160	2005	80	Provisional filing fee																										
SUBTOTAL (1)					(\$)																									
2. EXTRA CLAIM FEES:																														
<table><tr><td></td><td></td><td>Extra</td><td>Fee from</td><td>Fee</td></tr><tr><td></td><td></td><td>Claims</td><td>below</td><td>Paid</td></tr><tr><td>Total Claims</td><td><input type="checkbox"/> -20**</td><td>= <input type="checkbox"/> 18</td><td>x <input type="checkbox"/></td><td>= <input type="checkbox"/></td></tr><tr><td>Independent Claims</td><td><input type="checkbox"/> -3**</td><td>= <input type="checkbox"/> 2</td><td>x <input type="checkbox"/></td><td>= <input type="checkbox"/></td></tr><tr><td>Multiple Dependent</td><td></td><td>= <input type="checkbox"/></td><td>x <input type="checkbox"/></td><td>= <input type="checkbox"/></td></tr></table>								Extra	Fee from	Fee			Claims	below	Paid	Total Claims	<input type="checkbox"/> -20**	= <input type="checkbox"/> 18	x <input type="checkbox"/>	= <input type="checkbox"/>	Independent Claims	<input type="checkbox"/> -3**	= <input type="checkbox"/> 2	x <input type="checkbox"/>	= <input type="checkbox"/>	Multiple Dependent		= <input type="checkbox"/>	x <input type="checkbox"/>	= <input type="checkbox"/>
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Independent Claims	<input type="checkbox"/> -3**	= <input type="checkbox"/> 2	x <input type="checkbox"/>	= <input type="checkbox"/>																										
Multiple Dependent		= <input type="checkbox"/>	x <input type="checkbox"/>	= <input type="checkbox"/>																										
** or number previously paid, if greater; For Reissues, see below																														
Large Entity		Small Entity																												
Fee Code	Fee(s)	Fee Code	Fee(s)	Fee Description	Fee Paid																									
1202	18	2202	9	Claims in excess of 20																										
1201	86	2201	43	Independent claims in excess of 3																										
1203	290	2203	145	Multiple dependent claim, if not paid																										
1204	86	2204	43	**Reissue independent claims over original patent																										
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent																										
SUBTOTAL (2)					(\$)																									